

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 4836 OF 2007

Shrikant Nilkanth Upasani Petitioner

versus

Shreya Shrikant Upasani & ors..... Respondent.

Shri Vilas B.Tapkir for the petitioner

Shri Anant Vadgaonkar for the respondent.

CORAM; A.P. DESHPANDE, J.

DATED; 13TH AUGUST, 2007

P.C.;

1. An order poassed by the Family Court awarding interim maintenance to the wife in the sum of Rs. 5000/- per month has been challenged by filing the writ petiiton. It has come on record that the respondent wife has to maintain herself so also the child and considering the same, interim maintenance has been granted. The learned counsel appearing for the respondent has pointed out that as yet the arrears of interim maintenance has not been paid, which the learned counsel for the petitioner undertakes to deposit in the Family court within a period of three weeks from today.

2. Perused the order. The same does not call for any interference. However, ends of justice would be met

if the petition is expeditiously decided by the Family court. Both the parties are in agreement in regard to issuance of direction for expeditious disposal of the petition. Though the writ petition is summarily dismissed, I direct the Family Court to decide the petition No.C-63/06 as expeditiously as possible, preferably within a period of six months from today. The learned counsel at this stage voices his apprehension that the Family Court may be influenced by the interim order while deciding the amount of permanent maintenance. The apprehension is wholly unfounded for the reasons that the impugned order is an interlocutory order and takes a prima facie view of the matter.

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